

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ESTATE OF MICHAEL EDWARD BELL, by
Special Administrator Michael Martin Bell,
KIM MARIE BELL,
MICHAEL MARTIN BELL, and
SHANTAE BELL,

Plaintiffs,

vs.

Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH,
OFFICER ERICH S. WEIDNER,
LIEUTENANT DAVID H. KRUEGER,
OFFICER ALBERT B. GONZALES,
KENOSHA POLICE DEPARTMENT,
c/o CHIEF OF POLICE DANIEL C. WADE,
and CITY OF KENOSHA,

Defendants.

DEFENDANTS' RULE 26(a)(1) DISCLOSURES

The defendants, Officer Erich R. Strausbaugh, Officer Erich S. Weidner, Lieutenant David H. Krueger, Officer Albert B. Gonzales, Kenosha Police Department and City of Kenosha, by their attorneys, Gunta & Reak, S.C., hereby provide the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure. The defendants reserve the right to supplement these disclosures if more information becomes available throughout the course of this litigation.

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Officer Erich R. Strausbaugh
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer Strausbaugh is expected to testify regarding his observations of and interaction with the plaintiffs and Michael Edward Bell.

Officer Erich S. Weidner
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer Weidner is expected to testify regarding his observations of and interaction with the plaintiffs and Michael Edward Bell.

Lieutenant David H. Krueger
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Lt. Krueger is expected to testify regarding his observations of and interaction with the plaintiffs and Michael Edward Bell.

Officer Albert B. Gonzales
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer Gonzales is expected to testify regarding his observations of and interaction with the plaintiffs and Michael Edward Bell.

Daniel C. Wade, Chief of Police
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Chief Wade is expected to testify that the Kenosha Police Department does not have a policy or custom of violating constitutional rights.

Detective Greg Ollila
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Det. Ollila is expected to testify regarding his report and Sean Robert's signed statement.

Officer John DeMario
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer DeMario is expected to testify regarding his assisting Officer Strausbaugh in arresting Michael Edward Bell on September 15, 2004. Bell violently resisted arrest.

Stacy Orr
(Address and phone number unknown)

Mr. Orr is a former Kenosha police officer. He is expected to testify regarding the arrest of Michael Edward Bell on July 7, 1999, after Michael Bell attacked him while he was off duty working as a security guard. Bell violently resisted arrest.

Officer Paul Chase
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer Chase is expected to testify regarding the arrest of Michael Edward Bell on July 7, 1999, after he attacked Stacy Orr, who was off duty working as a security guard. Bell violently resisted arrest. Officer Chase will also testify regarding the arrest of Michael Edward Bell on July 20, 1998. Bell violently resisted arrest.

Officer Joseph Rieselman
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer Rieselman is expected to testify regarding the arrest of Michael Edward Bell on July 7, 1999, after he attacked Stacy Orr, who was off duty working as a security guard. Bell violently resisted arrest.

Officer Joseph Labatole
Kenosha Police Department
1000 - 55th Street
Kenosha, WI 53140
P: (262) 605-5202

Officer Labatole is expected to testify regarding the arrest of Michael Edward Bell on July 20, 1998. Bell violently resisted arrest.

Officer Thomas Wright
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie, WI 53158-2702
P: (262) 694-7105

Officer Wright arrested Michael E. Bell on April 7, 2002 for operating under the influence of alcohol.

Officer Scott Durkee
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie, WI 53158-2702
P: (262) 694-7105

Officer Durkee arrested Michael E. Bell on July 12, 2001 for violating the absolute sobriety law and for possession of THC.

Officer Mike Carpenter
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie, WI 53158-2702
P: (262) 694-7105

Officer Carpenter arrested Michael E. Bell on July 12, 2001 for violating the absolute sobriety law and for possession of THC.

Officer Diel (#88)
Gurnee Police Department
100 North O'Plaine Road
Gurnee, IL 60031

Officer Diel arrested Michael E. Bell on January 1, 2004 for driving under the influence.
Bell resisted arrest.

Officer Mazur (#126)
Gurnee Police Department
100 North O'Plaine Road
Gurnee, IL 60031

Officer Mazur arrested Michael E. Bell on January 1, 2004 for driving under the influence.
Bell resisted arrest.

Officer Staskiw (#148)
Gurnee Police Department
100 North O'Plaine Road
Gurnee, IL 60031

Officer Staskiw arrested Michael E. Bell on January 1, 2004 for driving under the influence.

Bell resisted arrest.

Kimberly Marie Bell
8310 - 14th Avenue
Kenosha, WI 53143

Mrs. Bell is expected to testify regarding her observations on November 9, 2004, her son's alcohol and drug abuse problems and his history of violence and disdain for the law and authority figures.

Michael Martin Bell
3317 - 13th Place
Kenosha, WI 53144

Mr. Bell is expected to testify regarding his son's alcohol and drug abuse problems and his history of violence and disdain for the law and authority figures.

Shantae Bell
8310 - 14th Avenue
Kenosha, WI 53143

Ms. Bell is expected to testify regarding her observations on November 9, 2004 and her brother's alcohol and drug abuse problems.

Brian M. Rocco
901 - 82nd Street
Kenosha, WI
P: (262) 358-3645

Mr. Rocco was the owner of the vehicle Michael Edward Bell was driving.

Jeanette M. Crump
1129 - 82nd Street
Pleasant Prairie, WI
P: (262) 515-1506

Ms. Crump is Michael Edward Bell's ex-girlfriend and she will testify regarding his marijuana dealing, as well as some of his attitudes and drinking habits.

Sean P. Roberts
2308 - 52nd Street
Kenosha, WI
P: (262) 652-7984

Mr. Roberts was the bartender at the Harbor Side Tavern where Bell was drinking on the evening of the incident. Mr. Roberts can provide information about Bell's demeanor and physical characteristics (observed by Roberts) that lead to Roberts refusing to serve him alcohol.

Former D.A. Robert J. Jambois
4802 Sheboygan Avenue, #115B
Madison, WI 53702
P: (608) 266-8807

Mr. Jambois is expected to testify regarding conversations he had with Kim and Shantae Bell on November 9, 2004.

All individuals identified in the Kenosha Police Department report that was compiled in this matter.

All records custodians identified in plaintiffs' Rule 26 Disclosures.

All witnesses identified in plaintiffs' Rule 26 Disclosures.

B. A copy of a description by category and location of all documents, data compilations, intangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

- All documents, data compilations, and tangible things contained in the Kenosha Police Department police report that was compiled in connection with this incident.

- All documents, data compilations, and tangible things produced to plaintiffs in response to their open records requests.
- The Nissan automobile and wave runners parked at the Bell residence the night of this incident.
- The employment files of Michael Edward Bell.
- The school records of Michael Edward Bell.
- The tax returns of Michael Edward Bell.
- The medical records of Michael Edward Bell.
- Funeral related expense bills of Michael Edward Bell's funeral.
- Records concerning prior arrests of Michael E. Bell.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE: Not Applicable.

D. Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.


RESPONSE: The City of Kenosha has a self-insured retention of \$125,000. Cities and Villages Mutual Insurance Company, 1250 South Sunnyslope Road, Brookfield, WI 53005 provides coverage to \$2,000,000; AIG Technical Services, Excess Casualty Claims Department, 700 Pine

Street, 8th Floor, New York, New York 01270 provides excess coverage from \$2,000,000 to \$5,000,000.

Dated at Milwaukee, Wisconsin this 28th day of February, 2006.

GUNTA & REAK, S.C.
Attorneys for Defendants

By:


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